

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re: ASHINC Corporation, <i>et al.</i> , ¹ Debtors.	Chapter 11
American Private Equity Partners II, LP, <i>et al.</i> , Petitioners, v. Catherine E. Youngman, Litigation Trustee For ASHINC Corporation., Respondent.	Civil Action No. 22-cv-302-CFC Bankruptcy Case No. 12-11564 Adv. Proc. No. 21-51179-MFW Related to D.I. 35

**REQUEST FOR ENTRY OF DEFAULT AGAINST
AUTOMOTIVE MACHINISTS PENSION TRUST**

TO THE CLERK OF THE COURT:

Plaintiff Catherine E. Youngman, in her capacity as the Litigation Trustee and Plan Administrator for ASHINC Corporation and plaintiff in the above-referenced matter (the

¹ The Debtors in these cases, along with the federal tax identification number (or Canadian business number where applicable) for each of the Debtors, are: ASHINC Corporation (f/k/a Allied Systems Holdings, Inc.) (58-0360550); AAINC Corporation (f/k/a Allied Automotive Group, Inc.) (58-2201081); AFBLLC LLC (f/k/a Allied Freight Broker LLC) (59-2876864); ASCCO (Canada) Company (f/k/a Allied Systems (Canada) Company) (90-0169283); ASLTD L.P. (f/k/a Allied Systems, Ltd. (L.P.)) (58-1710028); AXALLC LLC (f/k/a Axis Areta, LLC) (45-5215545); AXCCO Canada Company (f/k/a Axis Canada Company) (875688228); AXGINC Corporation (f/k/a Axis Group, Inc.) (58-2204628); Commercial Carriers, Inc. (38-0436930); CTSINC Corporation (f/k/a CT Services, Inc.) (38-2918187); CTLLC LLC (f/k/a Cordin Transport LLC) (38-1985795); F.J. Boutell Driveway LLC (38-0365100); GACS Incorporated (58-1944786); Logistic Systems, LLC (45-4241751); Logistic Technology, LLC (45-4242057); QAT, Inc. (59-2876863); RMX LLC (31-0961359); Transport Support LLC (38-2349563); and Terminal Services LLC (91-0847582). Debtors address for service of process is 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

“Trustee”), by and through her attorneys, Fox Rothschild LLP, respectfully requests the entry of default against Automotive Machinists Pension Trust (the “Defendant”) pursuant to Rule 55 of the Federal Rules of Civil Procedure, made applicable to this Proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure. Defendant has failed to plead or otherwise defend the *Complaint to (I) Avoid and Recover Avoidable Transfers, and (II) for a Declaration of Liability Against Yucaipa American Alliance Fund I, LLC*, which was initially filed in the United States Bankruptcy Court for the District of Delaware [Adversary Proceeding No. 21-51179], but is now pending before the District Court by virtue of the District Court’s July 20, 2022 So Ordering [D.I. 19] the parties’ Stipulation and Order Resolving Motion to Withdraw the Bankruptcy Reference [D.I. 18], pursuant to which the parties agreed that the reference of the Adversary Proceeding would be withdrawn to the District Court.

In support of this Request, the Trustee relies upon the Declaration of Seth A. Niederman submitted herewith.

WHEREFORE, the Trustee respectfully requests that the Clerk of the Court enter a default against the Defendant substantially in the form submitted herewith.

Dated: September 16, 2022
Wilmington, Delaware

FOX ROTHSCHILD LLP

/s/ Seth A. Niederman
Seth A. Niederman (DE No. 4588)
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Wilmington, DE 19801-3062
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Counsel to the Litigation Trustee and Plan Administrator

Certificate of Service

I, Seth A. Niederman, hereby certify that on the 16th day of September, 2022, I caused a copy of the following document(s) to be served on the individuals on the attached service list in the manner indicated:

Plaintiff's Request for Entry of Default

Exhibit A: Declaration of Counsel in Support of Plaintiff's Request for Entry of Default (with Exhibit 1 thereto)

Exhibit B: Proposed Entry of Default

/s/ Seth A. Niederman

Seth A. Niederman (DE No. 4588)

Service List

AUTOMOTIVE MACHINISTS PENSION TRUST
WPAS, Inc.
7525 SE 24th Street, Suite 200
Mercer Island WA, 98040
Attn: Rick Hansen, Plan Administrator